

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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COMMUNITY CENTRAL BANK, a Michigan  
Banking corporation,

Plaintiff,

v.

Case No. 11-10059

MORTGAGE NOW, INC., an Ohio corporation,

Defendant/Counter-Plaintiff/  
Third Party Plaintiff,

and

FEDERAL DEPOSIT INSURANCE  
CORPORATION, *as Receiver of Community  
Central Bank*,

Counter-Defendant,

and

COMMUNITY CENTRAL MORTGAGE  
COMPANY, LLC, a Michigan Limited Liability  
Company,

Third Party Defendant.

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**ORDER VACATING ORDER TO SHOW CAUSE AND  
DENYING MOTION FOR DEFAULT JUDGMENT**

On November 7, 2011, the court ordered Mortgage Now, Inc. ("Mortgage Now") to show cause why its counter-claims and third party claims should not be dismissed for lack of prosecution under the local rules. See E.D. Mich. LR 41.2. Specifically, the court's order was directed at Mortgage Now's serial failure to comply with this court's orders regarding obtaining proper representation. Thereafter, on November 14, 2011, Community Central Bank ("CCB") filed a motion for default judgment and to dismiss

Mortgage Now's claims based on substantially the same reason as stated in the court's order to show cause. On November 8, 2011, two attorneys filed appearances on behalf of Mortgage Now, and counsel appeared for the show cause hearing on November 29, 2011. Because Mortgage Now has corrected its representation deficiency and has now shown a willingness to comply with the court's deadlines, the court will deny the motion for default judgment and vacate the order to show cause. Accordingly,

IT IS ORDERED that the court's November 7, 2011, "Order to Show Cause" [Dkt. # 28] is VACATED.

Further, IT IS ORDERED that CCB's motion for default judgment and to dismiss [Dkt. # 34] is DENIED.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 3, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 3, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522